



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

GOV

Ref: 8ENF-L

NOV 29 2004

BY CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Mr. Daniel Edward Rinker
Registered Agent for Service of Process
D&B Service, Inc.
County Road 269
1780 Lower Dry Creek
Mountain View, Wyoming 82939

Re: D&B Service, Inc., Commercial Oilfield Waste Disposal Facility
Administrative Order Pursuant to Section 7003 of RCRA

Dear Mr. Rinker:

You are listed as the registered agent for service of process for D&B Service, Inc. ("D&B") in Wyoming. Enclosed, therefore, please find a copy of the administrative order we are issuing today to D&B. The order is issued under the authority of Section 7003 of the Solid Waste Disposal Act, as amended ("RCRA"), 42 U.S.C. § 7003, and requires that D&B quickly develop a work plan and then conduct activities to ensure that the D&B facility in Uinta County, Wyoming, is hereafter operated in a manner that is protective of human health and the environment.

As detailed in the order, we have determined that conditions at the facility continue to pose an imminent threat. EPA has waited for D&B to voluntarily conduct these activities for over five years. We have now concluded that we have no option but to issue an order to D&B to ensure that the conditions do not exist for yet another migratory bird season.


We recommend that D&B pay particular attention to the following sections of the Order: section VII Work to be Performed; section XVI Opportunity to Confer; XVII Notice of Intent to Comply; and section XXII Effective Date. Each of these sections provides details on certain time critical elements of the order.

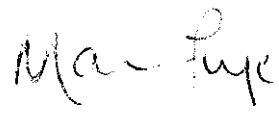


Printed on Recycled Paper

If you have any questions or would like to set up the offered conference, please feel free to call Randy Lamdin at (303) 312-6350, within the time frames set forth in the letter.

Sincerely,


Michael T. Risner, Director
Legal Enforcement Program


Sharon Kercher, Director
Technical Enforcement Program

Enclosure (order)



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY** 2004 NOV 29 AM 10:52
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:)

D & B Service, Inc.)

P.O. Box 148)

Mountain View, Wyoming 82401)

Respondent.)

ADMINISTRATIVE ORDER

PURSUANT TO SECTION 7003 OF RCRA

Docket No. RCRA-08-2005-0001

I. JURISDICTION

The United States Environmental Protection Agency Region VIII ("EPA") issues this order ("Order") pursuant to its authority under section 7003(a) of the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6901 et seq. (the "Act"), 42 U.S.C. § 6973(a).

II. INTRODUCTION

- A. D & B Service, Inc. ("D&B") is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Respondent has handled "solid waste" within the meaning of section 1004(27) of the Act, 42 U.S.C. § 6903(27) at a commercial oil field disposal facility located south of Mountain View in Uinta County, Wyoming (the "Facility").
- C. Based upon evidence received, EPA has determined that Respondent's handling of solid waste at the Facility may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003 of the Act, 42 U.S.C. § 6973 ("Section 7003").
- D. Pursuant to Section 7003(a) of the Act, EPA notified Mr. John Wagner, Director of the Water Quality Division, Wyoming Department of Environmental Quality ("WDEQ") of this action on November 15, 2004. Pursuant to Section 7003(c) of the Act, EPA notified Dr. Michael Adams, of the Uinta County Public Health Office on November 15, 2004.
- E. Documents comprising the administrative record for this Order are referred to as "AR- #." An index to the administrative record is provided as Attachment 1 to this Order.
- F. EPA takes this action pursuant to Section 7003 having determined that the issuance of this Order is necessary to protect human health or the environment.

III. PARTIES BOUND

- A. This Order shall apply to and be binding upon Respondent, its employees, agents, successors and assigns.
- B. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within five (5) calendar days of the date of Respondent's receipt of this Order or date of such retention, and shall condition all such contracts on compliance with terms of this Order.
- C. Respondent shall give notice to EPA thirty (30) or more calendar days prior to transfer of ownership or operation of the Facility.

IV. FINDINGS OF FACT

- A. The Facility is located approximately in Section 28, T13N, R115W, Uinta County, Wyoming, at latitude 41° 04' 49" N, longitude 110° 22' 35" W, in a rural/remote area south of Mountain View, Wyoming.
- B. The Facility is currently comprised of three offloading tanks; two product tanks, two tanks currently not in use; a lower (in elevation) evaporation pond ("lower pond"), two pump houses; an upper skim/slop pit ("skim pit") and an upper evaporation pond ("upper pond").
- C. Oil and gas exploration and production waste water ("E&P waste") is trucked to the Facility from various oil and gas production facilities and is transferred to the three offloading tanks. Oil and water separation occurs within the tanks and the waste water is discharged to the lower pond. Recovered oil is moved to the product storage tanks. In April 1998, water was pumped directly from the lower pond to the upper pond. The skim pit had recently been constructed and had been used sparingly, if at all. (AR-14)
- D. According to the United States Fish and Wildlife Service ("FWS"), the following "Level I" migratory bird species may be found in the mountain foothills habitat of Uinta County: swainson's hawk, brewers sparrow, sage sparrow, short-eared owl, northern goshawk. Level I species are species that FWS has determined need conservation action at this time. The following Level II species may also be found in this habitat: lark bunting, gray flycatcher, dusky flycatcher, western scrub-jay, and ash-throated flycatcher. Level II species are species that receive heightened monitoring. The bald eagle, found throughout the State of Wyoming, is a threatened species. (AR-28)

- U. By letter dated July 14, 2003, FWS formally outlined its concerns with threats to wildlife at the Facility, and provided information on the basis for the conclusion that threats existed at the Facility as well as technical information which might be useful in determining how to effectively and more permanently abate the threats. (AR-22)
- V. On April 28, 2004, WDEQ inspected the Facility and observed that: the "lower pit" was about fifty percent (50%) covered with "thick black sludge"; and the netting on the skim pit had been raised out of the pit, but that there was no netting on the sides (which still allows unrestricted access by wildlife). The inspector noted that the sides of the skim pit needed to be netted to be protective, and that D&B needed to remove sludge over the next two months. (AR-27)
- W. On May 27, 2004, WDEQ, EPA and FWS inspected the Facility and found that: the netting on the skim pit had been raised out of the pit, but that there was no netting on the sides; the lower pond was at least fifty percent (50%) covered with oil; and the upper pond did not have any oil on the surface. (AR-24; AR-25)

V. CONCLUSIONS OF LAW

- A. Respondent is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Wastes received by, and handled at, the Facility are "solid waste[s]" as defined in Section 1004(27) of the Act, 42 U.S.C. § 6903(27).
- C. Respondent has contributed and/or is contributing to the handling, storage, treatment, transportation or disposal of solid waste at the Facility within the meaning of Section 7003 of the Act, 42 U.S.C. § 6973.
- D. Respondent's handling of solid waste at the Facility may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003 of the Act.

VI. ORDER

Based on the above, and on other information contained in the administrative record for this Order, EPA has determined that the activities required by this Order are necessary to protect human health or the environment. EPA, therefore, hereby orders Respondent to perform the work specified in this Order in the manner and by the dates specified herein. All work undertaken pursuant to this Order shall be performed in a manner consistent with this Order, including all documents incorporated herein pursuant to this Order, and all applicable laws.

VII. WORK TO BE PERFORMED

A. CORRECTIVE MEASURES

1. Because the spring bird migration begins on or about April 1, 2005, Respondent shall have completed all work hereunder no later than March 31, 2005, notwithstanding the timeframes for submittals, responses, and other work set forth immediately below.
2. Within twenty-one (21) calendar days of receipt of this Order, Respondent shall evaluate all corrective measures necessary at the Facility to protect wildlife, including migratory birds and endangered species, develop a Corrective Measures Work Plan (CMWP) and submit such CMWP to EPA for approval. The CMWP shall describe:
 - a. the selected corrective measures, including but not limited to the corrective measures described below in Paragraph A. 3. of this section;
 - b. an operations and maintenance plan which will result in uninterrupted effectiveness of the chosen corrective measures; and
 - c. the names and qualifications of the personnel and contractor(s) to be used in carrying out the work required by this Order. The CMWP shall demonstrate that the personnel and contractor(s) possess all appropriate qualifications.
3. The corrective measures shall include at a minimum, but not be limited to:
 - a. methods for permanently and continuously eliminating contact by wildlife with any oil at or on the surface of the skim pit, the upper or lower ponds, and throughout the Facility;
 - b. remediation of oily pond banks and other ground surfaces; and
 - c. cleaning up and properly disposing of any oil-stained/oil-contaminated soils and other wastes generated at the Facility.
4. The CMWP shall specify that the corrective measures set forth in Section VII. A. 1. - 3. above, shall be implemented within twenty-one (21) calendar days of EPA approval of the CMWP.
5. EPA will notify Respondent in writing of any comments it may have on the CMWP which must be incorporated into the CMWP before it can be approved.

6. Respondent shall incorporate EPA's comments into the CMWP and resubmit the CMWP to EPA within seven (7) calendar days of receipt of EPA's comments.
7. Upon receipt of the CMWP with EPA comments incorporated, EPA will notify Respondent in writing of its approval, approval with modifications or disapproval of the CMWP. If approved with modifications, the EPA notification correspondence will serve as an addendum to the final CMWP and will be considered part of the approved CMWP.
8. Upon receipt of EPA's written approval or approval with modifications, Respondent shall implement the corrective measures in accordance with the procedures and schedules contained in the CMWP as approved by EPA.
9. If EPA concludes it must disapprove the CMWP after Respondent has had the opportunity to incorporate EPA's comments, EPA may choose to draft a CMWP which EPA will transmit to CMWP as the approved CMWP. EPA may also choose to request that a court order Respondent to take action as is necessary to protect health or the environment at the Facility.
10. Within fifteen (15) calendar days of completing the work as set forth in the CMWP as approved by EPA, Respondent shall provide a written Corrective Measures Summary Report ("CMSR") to EPA detailing the completion of the activities conducted pursuant to the CMWP, including confirmation through photographic evidence. The CMSR, with photographs, shall demonstrate the adequate installation, coverage and integrity of the corrective measures implemented.
11. EPA shall notify D&B as soon as possible after receipt of the CMSR whether the CMSR is accepted and all work, except ongoing operations and maintenance work, is completed under this Order.

B. EMERGENCY ACTION

1. In the event the Respondent identifies a threat to human health or the environment at the Facility at any time during implementation of this Order which warrants more immediate action than pursuant to any requirement of this Order, Respondent shall orally notify the EPA Project Manager identified below not more than twenty-four (24) hours after discovery and notify EPA, FWS, and WDEQ in writing not more than ten (10) days after such discovery, summarizing the nature, immediacy and magnitude of such threat(s). Threats to the environment shall include the discovery of any mortality of, or injury to, any animal subject to the Endangered Species Act or the Migratory Bird Treaty Act at the Facility.

2. Proper notification, as required in this section, does not relieve Respondent of any other notification responsibility Respondent may have under any other law, including, but not limited to, Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or Section 304 of the Emergency Planning and Community Right to Know Act, as amended.
3. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat(s).
4. If EPA, FWS, or WDEQ identifies such a threat at the Facility at any time during implementation of this Order, EPA will notify Respondent orally, and provide subsequent notification in writing. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat.
5. Any oral requirements made pursuant to this subsection shall be immediately incorporated into this Order by reference and are immediately enforceable, unless EPA does not provide to Respondent in writing, a description of such requirements within ten (10) calendar days of oral notification.

C. ADDITIONAL WORK

If EPA determines that additional work is necessary, EPA will inform Respondent of such additional requirements in writing, including a written justification for requiring the specified additional work and Respondent shall conduct such work according to EPA direction.

D. PUBLIC PARTICIPATION

EPA may make any work plan or other document available to the public for review and comment for an appropriate period prior to taking final action on such document.

E. REPORTING

1. Commencing the first full month after the effective date of this Order, Respondent shall provide EPA, FWS, and WDEQ with monthly progress reports which shall include, at a minimum, the following information:
 - a. activities conducted at the Facility in the previous month;
 - b. summaries of problems encountered during the previous month and how the problems were or are being addressed;

- c. changes in work performed at the Facility from that projected in the previous monthly progress report; and
 - d. projected work for the next reporting period.
- 2. These progress reports are to be submitted by the tenth calendar day of the month following the monthly reporting period.
 - 3. This reporting requirement concludes during the calendar month D&B receives EPA's acceptance of the CMSR pursuant to paragraph VII.A.10 above.

F. CERTIFICATION

- 1. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Order shall be certified by a duly authorized representative of D&B. A person is a "duly authorized representative" only if: (1) the authorization is made in writing; (2) the authorization specifies either an individual or position having responsibility for overall operation of the Facility or activity (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and (3) the written authorization is submitted to the EPA Project Manager designated below.
- 2. The certification shall be in the following form:

I certify that the information contained in or accompanying this **[type of submission]** is true, accurate, and complete. As to **[the/those identified portion(s)]** of this **[type of submission]** for which I cannot personally verify **[its/their]** accuracy, I certify under penalty of law that this **[type of submission]** and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature : _____
Name : _____
Title : _____

VIII. ACCESS

Respondent shall permit full access to EPA, FWS, WDEQ, and the County, and their authorized representatives, as may be necessary for the purposes of oversight of and implementation of this Order.

IX. GENERAL PROVISIONS

- A. All plans and documents submitted under any section of this Order shall, upon approval by EPA, be incorporated by reference into this Order as if set forth fully herein.
- B. Respondent shall obtain any permits or approvals which are necessary to perform work on or outside the Facility under applicable law and shall submit timely applications and requests for any such permits and approvals.
- C. Respondent shall employ sound scientific, engineering, and construction practices and principles under this Order.

X. AVAILABILITY AND RETENTION OF INFORMATION

- A. Respondent shall make available to EPA, and shall retain, during the pendency of this Order and for a period of five (5) years after its termination, all records and documents in its possession, custody, or control, or in the possession, custody or control of their contractors and subcontractors, which relate to the performance of this Order, including but not limited to documents reflecting the results of any sampling, tests, or other data or information generated or acquired by Respondent, or on Respondent's behalf, with respect to the implementation of this Order.
- B. After the document retention period, Respondent shall notify EPA at least ninety (90) calendar days prior to the destruction of any such documents and, upon request by EPA, shall deliver the documents to EPA.

XI. CONFIDENTIALITY CLAIMS

Respondent may assert confidentiality claims pursuant to 40 C.F.R. Part 2. Information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, the public may be given access to such information without further notice to Respondent.

XII. AVAILABILITY OF ADMINISTRATIVE RECORD

The administrative record supporting this Order shall be available for public review at the RCRA File Room, EPA Region 8, 999 18th Street, Denver, Colorado from 8 a.m. to 5 p.m., every Federal business day.

XIII. NOTICES, CONTACTS, AND EPA PROJECT MANAGER

Whenever under the terms of this Order, notice is required to be given, and/or a report or other document is required to be forwarded by one party to another, such correspondence shall be sent by certified mail or hand carried to the following individuals at the addresses specified below. The following EPA person is designated as the Project Manager for EPA for this Order.

Mr. Randy Lamdin
EPA Region VIII, 8ENF-T
999 18th Street, Suite 300
Denver, Colorado 80202-2466
(303) 312-6350

As to FWS:

Mr. Pedro Ramirez, Jr.
Ecological Services
Wyoming Field Office
U.S. Fish & Wildlife Service
4000 Airport Blvd.
Cheyenne, WY 82001
(307) 772-2374 ext. 36

As to WDEQ:

Mr. John Wagner, Administrator
Water Quality Division
Wyoming Department of Environmental Quality
Herschler Building, 4th Floor
122 West 25th Street
Cheyenne, Wyoming 82002
(307) 777-7781

If the date for submission of any item or notification required by this Order falls upon a weekend or state or Federal holiday, the time period for submission of that item or notification is extended to the next Federal working day following the weekend or holiday.

XIV. RESERVATION OF RIGHTS

- A. Nothing in this Order shall limit the information gathering, access, and response authority of the United States under any other applicable law, nor shall it limit the authority of EPA to issue additional orders to Respondent as may be necessary.
- B. This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which EPA has under the Act, CERCLA or any other applicable law.

- C. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any applicable laws and regulations and with any of the requirements of this Order, including but not limited to, the right to disapprove of work performed by Respondent, to request that Respondent perform additional tasks, and the right to perform any portion of the work herein.
- D. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligation to comply with the Act and/or any other applicable State, Federal, or other law, regulation, permit, or other requirement.

XV. FAILURE TO COMPLY

Pursuant to Section 7003(b) of the Act and 40 C.F.R. Part 19, any failure by Respondent to comply with this Order shall subject Respondent to civil penalties of not more than \$6,500.00 for each day of each failure to comply with this Order. *See also*, Federal Register notice dated February 13, 2004 (69 Fed. Reg. 7121, at 7126).

XVI. OPPORTUNITY TO CONFER, AND MODIFICATION

- A. Respondent has the opportunity to confer informally with EPA concerning the terms and applicability of this Order. If Respondent desires a conference, Respondent must contact EPA's Project Manager by telephone to schedule such a conference within five (5) calendar days of receipt of this Order by Respondent and follow up this request in writing immediately thereafter.
- B. Any conference held is not an evidentiary hearing, and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order, or to seek resolution of potential liability, and no official stenographic record of the conference will be made. At any conference held pursuant to Respondent's request, Respondent may appear in person or by an attorney or other representative.
- C. If EPA determines that any element of this Order, including work to be performed or schedules, warrants modification after a conference is held, EPA will modify the order in writing, file the modification with the Regional Hearing Clerk and issue a copy to Respondent.
- D. Except as otherwise provided in this Order, no modification to this Order shall be effective unless and until it is issued in writing by EPA and filed with the Regional Hearing Clerk.

XVII. NOTICE OF INTENT TO COMPLY

- A. Within five (5) days from receipt of this Order, or within twenty-four (24) hours from the date Respondent confers with EPA pursuant to the above section of the Order, Respondent shall provide written notice to EPA's Project Manager at the address set forth above stating whether Respondent will comply with the terms of this Order. The absence of a response by EPA to the notice required by this paragraph shall not be deemed to be acceptance of any assertions that Respondent may make in its notice, and shall not affect Respondent's obligation to implement this Order.
- B. Failure of Respondent to provide notification to EPA's Project Manager of intent to comply within this time period is a violation of this Order.

XVIII. NOTICE OF NON-LIABILITY OF EPA

EPA shall not be deemed a party to any contract involving Respondent and relating to activities at the Facility and shall not be liable for any claim or cause of action arising from or on account of any act, or the omission of Respondent, their employees, contractors, receivers, trustees, agents or assigns, in carrying out the activities required by this Order.

XIX. SEVERABILITY

If any provision or authority of this Order or the application of this Order to any party or circumstance is held by any judicial or administrative authority to be invalid, the application of such provision to other parties or circumstances and the remainder of this Order shall not be affected thereby and shall remain in full force.

XX. EFFECTIVE DATES

- A. This Order shall become effective ten (10) days after the date this Order is filed with the Regional Hearing Clerk and mailed to Respondent, unless an informal conference is held. If such a conference is held, this Order becomes effective on the date of receipt by Respondent of EPA's decision on whether to modify the Order.
- B. Subsequent modifications made by EPA to this Order are effective on the date such modification is filed with the Regional Hearing Clerk, so long as Respondent is sent a copy by certified mail or are hand-delivered a copy of the modification as expeditiously as possible after the modification is filed with the Regional Hearing Clerk.

XXI. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, the terms of this Order, including any additional tasks determined by EPA to be required pursuant to this Order, have been satisfactorily completed. This notice, however, shall not terminate Respondent's continuing obligations hereunder, including, but not limited to: record retention, reservations of rights, other claims, other applicable laws, and notice of non-liability of EPA.

IT IS SO ORDERED:

ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Date: 11/29/04

By: Sharon L. Kercher
Sharon L. Kercher, Director
Technical Enforcement Program

Date: 11/19/04

By: Michael T. Risner
Michael T. Risner, Director
Legal Enforcement Program

ATTACHMENT 1

Administrative Record Index

to

Administrative Order Pursuant to Section 7003 of RCRA
Issued to D&B Disposal Service, Inc.

1. Record of communication from anonymous citizen to United States Environmental Protection Agency (EPA) (Randy Lamdin) alleging illegal disposal activities at D & B Service, Mountain View, Wyoming facility (facility), dated March 8, 1989. One paragraph of the document is redacted in the public record.
2. Internal EPA note from Robert Stone to Terry Anderson regarding visit with the United States Bureau of Land Management (BLM) to the facility to follow up on citizen complaint dated April 24, 1989.
3. Three aerial photographs of facility dated April 18, 1997. Taken by EPA and FWS during aerial survey of Wyoming oilfields and related facilities.
4. Problem Oil Pit Inspection Checklist completed for June 25, 1997, multi-agency inspection of the facility.
5. Team Compliance Recommendation Matrix dated August 5, 1997.
6. Letter from Wyoming Department of Environmental Quality (WDEQ) (Randall Taylor) to D&B requesting a meeting on April 6, 1998, dated February 5, 1998.
7. List of attendees at meeting between regulatory agencies and D&B on April 6, 1998.
8. Letter from D&B (Daniel Rinker) to WDEQ (Taylor) dated June 9, 1998.
9. Letter from D&B (Rinker) to WDEQ (Lee Gribobiev) dated July 24, 1998.
10. Letter from D&B (Rinker) to WDEQ (Taylor) dated July 24, 1998.
11. Letter from D&B (Rinker) to WDEQ (Taylor) dated August 26, 1998, with handwritten note by Taylor.
12. Letter from WDEQ (Taylor) to D&B (Rinker) requesting access to conduct a progress inspection dated September 3, 1998.
13. Print out of email message from EPA (Ron Lillich) to WDEQ (Gary Beach) dated September 25, 1998.

14. Trip Report for inspections of the facility conducted on April 6, 1998 and September 22, 1998, dated December 15, 1998. NOTE: There is no information about the September 22, inspection in the Trip Report.
15. Letter from WDEQ (Taylor) to D&B (Rinker) dated May 18, 1999.
16. Letter from WDEQ (Doyle Conklin) to D&B (Rinker) dated November 2, 2000.
17. United States Fish and Wildlife Service (USFWS) Field Inspection Report dated May 7, 2003.
18. EPA Inspection Report dated May 7, 2003.
19. WDEQ Inspection Report dated May 7, 2003.
20. EPA Notification of Regulated Waste Activity completed by EPA so facility identification number could be assigned, dated July 7, 2003.
21. Letter from EPA (Sharon Kercher) to D&B (Rinker) dated July 11, 2003.
22. Letter from USFWS (Brian Kelly) to D&B (Rinker) dated July 14, 2003.
23. Letter from WDEQ (Conklin) to D&B (Rinker) dated October 15, 2003.
24. USFWS Field Inspection Report dated May 27, 2004.
25. EPA Inspection Report dated May 27, 2004.
26. Print out of email message from USFWS (Pedro Ramirez), to EPA (Lamdin), dated June 18, 2004.
27. Letter from WDEQ (Conklin) to EPA (Lamdin) transmitting WDEQ inspection report for April 28, 2004 WDEQ inspection of facility, dated July 28, 2004.
28. Print out of email message from USFWS (Ramirez), to EPA (Lamdin), dated August 30, 2004.
29. Print out from Wyoming Secretary of State, Corporations Division internet website regarding D & B Disposal Systems, Inc., dated September 17, 2004.
30. Record of communications from EPA (Lamdin) to WDEQ and BLM requesting information about land ownership and permit issuance dated October 2004.

CERTIFICATE OF SERVICE

Docket No. RCRA-08-2005-0001

Respondent: D&B Service, Inc., Mountain View, Wyoming

I hereby certify that the original and a true copy of the attached Administrative Order Pursuant to Section 7003 of RCRA was hand-carried to the Regional Hearing Clerk, EPA Region 8, 999 18th Street, Denver, Colorado, and that a true copy of the same was sent Certified Mail Return Receipt Requested mail to:

Daniel Edward Rinker
County Road 269
1780 Lower Dry Creek
Mountain View, Wyoming 82939

and

Daniel Rinker
P.O. Box 148
Mountain View, Wyoming 82401

Dated: *November, 29, 2004*

By: *Judith M. McTernan*